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UW hit with \$720,000 fine for withholding records in bias case

A King County Superior Court judge ruled the records might have helped the case of a female professor who sued after being denied tenure.

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A King County judge has fined the University of Washington more than \$720,000 for withholding 12,000 pages of public records from a professor who believed she was wrongfully denied tenure at the Tacoma branch campus.

After the professor lost a discrimination case in federal court, records turned up that might have helped her press a case that she was discriminated against because she is French, according to the Sept. 11 ruling by King County Superior Court Judge Monica Benton.

Among the documents were some that “contained derogatory references about her French national origin,” according to a summary of the case posted by the plaintiff’s attorney, Jack Sheridan, on his firm’s website.

UW officials said they disagree with the findings, as well as the method by which the penalty was calculated, and would likely appeal the decision.

The professor, Isabelle Bichindaritz, worked at the UW-Tacoma’s Institute of Technology from 2002 to 2010 and applied for tenure three times in the computer-science department, in which all tenured faculty were male, according to her attorney.

Sheridan could not be reached for comment.

Bichindaritz was denied promotion and tenure in 2009, and believed she had been discriminated against because of her gender and national origin, Sheridan wrote.

In 2009, she requested from the UW a complete copy of her personnel file to press a discrimination case in federal district court.

According to the ruling, the university knew Bichindaritz had filed an Equal Employment Opportunity Commission complaint, and later a federal lawsuit. Yet the UW delayed producing documents until after federal deadlines in the case had passed.

UW spokesman Norm Arkans said the UW believes it produced the records on time, but that Bichindaritz did not pick them up promptly.

“The judge drew conclusions that we just don’t agree with,” he said.

“We believe we processed the case appropriately, in compliance with all our obligations under the public-records law.”

Benton found that the records, which were produced in four stages, were delayed in delivery anywhere from 70 to 160 days.

The judge also found that several documents that were redacted — meaning portions were blacked out — should not have been.

In other instances, the UW withheld entire documents instead of redacting those portions that it believed were exempt from disclosure, the judge found.

One of those documents was an email between two faculty members that said someone on Bichindaritz’s tenure committee “hinted that we might be picking on Isabelle’s teaching because she is a woman.”

The document’s “absence in the federal litigation permitted the University to argue in the federal litigation that no one had complained that she was a victim of gender discrimination,” Benton found.

Because that document was printed in 2009 but not produced until after a court deadline of June 2011, it is “highly illustrative of intentional delay,” she said.

Benton calculated a fine of 50 cents per day, per record, or \$723,290.

Arkans said the UW disagrees with the way she calculated the fine.

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